REMARKS/ARGUMENTS

Preliminarily, Applicant has identified errors in both the Official Filing Receipt and the official entry date of the Information Disclosure Statement. Correction is requested. More particularly, a Declaration was incorrectly scanned into the record by the USPTO and dated April 8, 2004. Applicant notes that this date is well before the filing date of the present application, i.e., December 2, 2004. In addition, this incorrect (unsigned) Declaration identifies Matthew P. Nelson, Patrick Treado, and Jason Attanucci as inventors for an invention entitled Spectroscopic Methods for Component Particle Analysis under docket number E2079-00073. These individuals and their invention have nothing whatever to do with the present invention, its inventor, nor this application in any way.

The application that is the subject of the Official Action mailed July 11, 2007, was: (i) filed on December 2, 2004, (ii) accorded U.S. Serial Number 10/516,709, (iii) is entitled GAME DEVICE AND GAME PROGRESSING METHOD USING THE SAME, and is identified by Applicant's Attorneys of record by docket number D5620-00063. The correct name of the inventor is **Noriaki Okamura,** as evidenced by the declaration filed with the application on December 2, 2004.

Applicant requests that the record for this application be corrected to identify **Noriaki Okamura** as the sole inventor, and that a corrected Official Filing Receipt be issued for the case.

In addition, an Information Disclosure Statement and references were filed on April 6, 2005. However, the record incorrectly dates these documents as having been

filed on April 8, 2004. Applicant requests that the record be corrected to make clear that the Information Disclosure Statement, accompanying reference's and NPL document were timely filed on April 6, 2005.

Also, Applicant has obtained English translation of the Kazuyoshi reference. A copy of this translation is attached to this amendment for consideration by the Examiner.

As a result of this Amendment, claims 1-5 and 7-9 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

(1)   rejected claim 1-2, 5, and 8-9 under 35 U.S.C. §102(b) as being allegedly anticipated by Japanese Patent No. JP2002-066141, issued to Kazuyoshi et al. (the "Kazuyoshi reference");

(2)   rejected claims 3-4 and 6 under 35 U.S.C. § 103(a) in view of a proposed combination of the Kazuyoshi reference with U.S. Patent No. 6,179,713, issued to James et al. (the "James reference"); and

(3)   identified prior art made of record and not relied upon but considered pertinent to Applicant's disclosure.

With regard to Item 1, Applicant has amended claims 1-3 and 8 so as to more distinctly define the invention in view of the references identified by the Examiner. Support for these changes may be found throughout the specification and drawings as filed. No new matter has been entered into the application as a result of these changes to the claims. According to claim 1, as amended, a game machine is provided that is

connected with a public communication network, and includes receiving means for receiving an e-mail and sending means for sending the e-mail. Progress state controlling means are provided for storing and controlling a state of the progress of a story in a game for each player. Player identification means are provided for identifying a player based upon the origin of the e-mail received through the receiving means. A corresponding word storing means controls (i) word information that comprises two or more words that are usable by a player as instruction information, and (ii) information as an instruction from the player which corresponds to each word. A homepage providing means produces the word information, which is comprised of two or more words of the corresponding word storing means and corresponding to the instruction information in a predetermined homepage, as word data sending information so as to form a list. The word information can be confirmed from the homepage through the public communication network and a web server with terminal equipment of the player. With such a structure, when the player instructs the character in the game, the player accesses the word information of the homepage through the public communication network, and refers to two or more words which are usable as the instruction information. By doing so, the words to be used can be easily found and the e-mail having correct instruction contents can be prepared when preparing the e-mail according to the player's intension.

When the e-mail that includes instruction information of the game therein, and which is prepared by a terminal unit of the player's side (that is, on the game machine side) is analyzed in such a network game, it is necessary for the game machine to

analyze the sentences of the email and to judge which instructions are given by the e-mail. Sometimes, the sentences in the emails which are optionally prepared by many players through terminal units, are different due the use of different words or expressions, even though they may have these same instructional intent. In such cases, an extremely large scale and complex sentence analysis system is necessary in order to analyze the contents of the instructions intended by the players from emails containing sentences that were prepared by the players, and which are different from one another.

With such a structure, the program for the sentence analysis system for analyzing the e-mails from the players is voluminous in comparison with the game program itself. Even if a highly accurate sentence analysis system is loaded, the interests on the game are not improved since the sentence analysis system is used for only obtaining the instruction to the character in the game, but has no relation with the game contents. If a simple sentence analysis system is used, it is impossible to properly interpret the contents of the e-mail prepared by the player, and the instruction which does not conform to the player's intentions may be executed on the character in the game. In such a case, the interests on the game are greatly diminished. Under this situation, an original object of the present invention, i.e., to provide a game machine for enjoying a game only by sending e-mail and without preparing the game program on the player's side, may not be attained.

Applicant's claimed invention properly interprets the instructions from a player through e-mail, which is a so-called entrance of such a game, with the most simple

machine. That is, in order for the player to fully enjoy the original contents of the game, word information comprising two or more words usable by the player as instruction information is produced at their homepage as the word data sending information so as to form a list. The player can confirm the word information from the homepage through the public communication network. The player can also properly prepare instructions for a character in the game by using the word information controlled by the corresponding word storing means in the e-mail. With such a structure, it is possible for the player to properly prepare instructions through e-mail, referring to the homepage at the time of preparation of the instruction, so that the game machine can properly obtain the instruction information by receiving mail comparing means and sentence analysis means concerning the e-mail with words controlled by the corresponding word storing means.

With the present invention, the sentence analysis means can easily obtain the contents of the instruction, according to the player's intentions concerning the word which is controlled by the corresponding word storing means, by referring to the information as the instruction from the player which is controlled by the corresponding word storing means together with the word. For example, from two or more words in an e-mail which are controlled by the corresponding word storing means, such as "Mr. A", "go", "to a scene of the offense", "at two" as described in the specification (Line 20 of Page 18 through Line 7 of page 19), the instruction information "Mr. A, please go to a scene of the offense at two" can be properly obtained in such a manner that by referring to the information as the instruction from the player for each word, at the time when

each word has been used, the information as the instruction from the player for two or more words are collectively processed. In this way, subsequent story development by the story processing means can be executed according to the player's intentions, thereby improving the interest in the game.

Additionally, through the homepage providing means, a player can prepare and send e-mails for instructing the character in the game so as to have mail contents which can be easily analyzed by the sentence analysis means from the start of the game, even if the terminal equipment which is operated by the player does not have the word data sending information concerning the game or a memory area for storing such word data sending information. In other words, a player can easily obtain the word information usable for the game by accessing the word data sending information at the homepage before starting the game, even if the memory of the terminal equipment used by the player does not have the word data sending information concerning the game in advance. As a result, it is not necessary to secure the memory area for storing such word information on the player's terminal equipment side, thus providing a game which does not place the hardware burden on the terminal equipment. In addition, the word information usable for the game can be easily obtained by watching a homepage before sending an e-mail, having sentences through which the player gives instructions to the character in the game, to the game machine through the public communication network. Consequently, the instructions can be given to the character in the game through the e-mail having proper words from the start of the game start. In this way, proper proceeding of the game is not hindered due to being ignorant as to which e-mail should

be sent in order to instruct the character in the game or by the sending of improper e-mail. All of which aids in maintaining heightened interest by the player in the game.

Anticipation under 35 U.S.C. §102 requires that each and every element of the invention defined in the claim be met in a single prior art reference. Those elements must either be inherent or disclosed expressly, and must be arranged as described in the claim. See, Diversitech Corporation v. Century Steps, Inc., 850 F.2d 675, 7 U.S.P.Q.2d 1315 (Fed. Circuit 1988), Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 7 U.S.P.Q.2d 1057 (Fed. Circuit 1988), and Richardson v. Suzuki Motor Company, 868 F.2d 1226, 9 U.S.P.Q.2d 913 (Fed. Circuit 1989). Nowhere within the four corners of the Kazuyoshi reference is there disclosure or even a vague suggestion of a game machine that is connected with a public communication network and includes a player identification means for identifying a player based upon the origin of the e-mail received through the receiving means where a corresponding word storing means controls (i) word information that comprises two or more words that are usable by a player as instruction information, and (ii) information as an instruction from the player which corresponds to each word. Nor does Kazuyoshi include or suggest a homepage providing means that produces the word information, which is comprised of two or more words of the corresponding word storing means and corresponding to the instruction information in a predetermined homepage, as word data sending information so as to form a list, where that word information can be confirmed from the homepage through the public communication network and a web server with terminal equipment of the player. A copy of an English translation of the Kazuyoshi reference is attached for the

- 14 -

Examiner's ready reference. With Applicant's claimed structure, when the player instructs the character in the game, the player accesses the word information of the homepage through the public communication network, and refers to two or more words which are usable as the instruction information.

These distinctions are quite important, for they reflect significant differences in both construction and function between Applicant's claimed invention and the device taught in the Kazuyoshi reference. More particularly, Kazuyoshi discloses that a battle game is played by analyzing the contents of e-mail. In Kazuyoshi, sentence information in a received e-mail is analyzed by evaluating any one of feelings of joy and anger, kinds and numbers of Chinese characters used, numbers of continuous Chinese characters, length of a sentence, whether or not the e- mail has been read, respective usage rates of Hiragana, Katakana, Chinese characters and alphabets, numbers of specific sentence patterns, numbers of specific character patterns and numbers of specific words as standards for judgment through an e-mail sentence analysis portion 22 (see, paragraph 0035 of the attached English language, machine translation of the specification of Kazuyoshi). This analysis is different from the applicant's invention wherein the meanings of the words comprising the sentences in the e-mail are interpreted and analyzed, not simply evaluated.

In other words, with the method of Kazuyoshi, the meanings of the words forming each sentence are not analyzed, but rather a server determines formal parameters of the sentence, such as number of Chinese characters, length of the sentence, numbers of specific words and the like so as to use them as commands by adding a perceived

original meanings to them. Significantly, and unlike Applicant's invention, Kazuyoshi's

device creates commands which do not completely relate to the original contents of the

e-mail that are then executed as a part of the game. With such a structure, it is

impossible to give concrete instructions to a character in the game with a sentence in an

e-mail. Furthermore, Kazuyoshi does not teach how to prepare an email when a player

gives an instruction to a character on the game. Accordingly, the teachings of

Kazuyoshi are remote from the game according to the applicant's claimed invention

wherein the game proceeds by giving instructions with an email by the player.

To summarize, Kazuyoshi does <u>not</u> disclose the following important structural

elements of the applicant's claimed invention:

(A) corresponding word storing means for controlling word information which is comprised of two or more words usable by said player as instruction information, and information as an instruction from said player, which corresponding to each said word;

(B) homepage providing means for producing said word information which is comprised of two or more words of said corresponding word storing means, corresponding to said instruction information in a predetermined homepage as word data sending information so as to form a list, and for confirming said word information from said homepage through said public communication network and a web server with a terminal equipment of said player;

(C) mail receiving means for receiving said e-mail as receiving e-mail through said public communication network, said e-mail having contents of sentences to be prepared by said player for giving an instruction to a character in a game;

(D) receiving mail comparing means for dividing said receiving mail by each word, and comparing said contents of said sentence of said receiving mail and said word information which is comprised of two or more words, and which is stored in said corresponding word storing means with each other; or

(E) sentence analysis means for analyzing said contents of said sentence of said receiving mail from comparison by said receiving mail comparing means so as to obtain two or more instructions associated with said two or more words usable by said player which are included in said receiving mail as said instruction information, and totally processing said two or more instructions so as to obtain said receiving mail as said instruction information.

Accordingly, the rejection of claims 1-2, 5, and 8-9 under 35 U.S.C. §102(b) in view of the Kazuyoshi reference should be withdrawn. Reconsideration is requested.

With regard to Item 2, Applicant traverses the Examiner's reliance upon a proposed combination of the Kazuyoshi reference with the James reference, and requests reconsideration of the rejection under 35 U.S.C. §103 of claims 3-4 and 6, for the following reasons. The deficiencies of the Kazuyoshi reference are not satisfied by its proposed combination with the James reference.

More particularly, the James reference discloses a computer game that is played over a computer network and capable of accommodating a large number of players. Players are able to input moves and be apprised of the state of the game using the basic input/output functions of their Web browser. The game appears to be playable without other game related software, plug-ins or add-ons. A centralized server that is capable of receiving moves that are transmitted over the network relates to a turn-based game where moves are received from a plurality of players and in which the move or moves of one player affect the status of another player. The centralized server has an address on the network that is determined prior to any players seeking to play the game. As a consequence, the players do not have to seek each other out to initiate a game. Once the centralized server has updated the state of the game, it is capable of

- 17 -

providing information relating to the updated state of the game to the players. A game web server and database 10 receives moves from the players, processes all the moves entered by the players to update the state of the game, and makes the updated state of the game available to the players. The game server is given an Internet address prior to any players seeking to play the game. A player computer system includes an input device (such as a mouse or trackball), an output device (typically a CRT), a web browser for conveying the moves generated by the players manipulation of the input device to the game server and for processing information on the state of the game so that the information can be displayed on the output device. Communications over the Internet occur via data packets according a subset of the Internet that is known as the World Wide Web.

However, James, like Kazuyoshi, fails to teach or suggest any of the structural features listed in items (A)-(E) in the previous section. In order for a prima facie case of obviousness to be established, there still must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, and the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2142 [emphasis added]. Nowhere within the four corners of either the Kazuyoshi or James reference, whether taken alone or in the proposed combination is there disclosure a vague suggestion of:

(1) corresponding word storing means for controlling word information which is comprised of two or more words usable by said player

as instruction information, and information as an instruction from said player, which corresponding to each said word;

(2) homepage providing means for producing said word information which is comprised of two or more words of said corresponding word storing means, corresponding to said instruction information in a predetermined homepage as word data sending information in so as to form a list, and for confirming said word information from said homepage through said public communication network and a web server with a terminal equipment of said player;

(3) mail receiving means for receiving said e-mail as receiving e-mail through said public communication network, said e-mail having contents of sentences to be prepared by said player for giving an instruction to a character in a game;

(4) receiving mail comparing means for dividing said receiving mail by each word, and comparing said contents of said sentence of said receiving mail and said word information which is comprised of two or more words, and which is stored in said corresponding word storing means with each other; or

(5) sentence analysis means for analyzing said contents of said sentence of said receiving mail from comparison by said receiving mail comparing means so as to obtain two or more instructions associated with said two or more words usable by said player which are included in said receiving mail as said instruction information, and totally processing said two or more instructions so as to obtain said receiving mail as said instruction information.

Finally, even if James's structure is applied to the Kazusyoshi game machine, the combination does not reach Applicant's claimed invention since an important point as to which information is distributed to the player is lacking from that combination.

With regard to Item 3, Applicant has considered the prior art references identified by the Examiner as pertinent and determined that none of them, taken alone, or in any valid combination with the Kazuyoshi or James references anticipates or renders obvious the present invention.

In view of the foregoing, Applicant respectfully submit that claims 1-5 and 7-9 are in condition for allowance. Favorable reconsideration is therefore respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at **215-979-1255**.

Respectfully Submitted,

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